

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services-Treasuries & Accounts, Department-Chittoor Dist.- Misappropriation of Government Money under Military pensions at the District Treasury, Chittoor - - Sri V. Balasubramayam, Sub Treasury Officer (Retd), O/o Deputy Director, District Treasury, Chittoor -Punishment of withholding of entire pension and DCRG benefits besides recovery of an amount of Rs.2,07,643/- -Modified to that of 10% cut in pension for a period of 5 years along with recovery of the misappropriated amount of Rs.2,07,643/- Final Orders-Issued.

FINANCE (ADMN-III) DEPARTMENT

G.O.Rt.No. 5254

Dated: 30-12-2010
Read the following:

- 1.G.O.Rt.No.777, Fin. (Admn-III.) Dept., dt.08.03.2006
- 2.Review petition of SriV.Balasubrahmanayam,STO (Retired), Sub Treasury, Chittoor in Hon'ble APAT.
- 3.Orders of Hon'ble APAT, dt.17-06-2009 in O.A.No.2823 of 2006 filed by SriV.Balasubrahmanayam,STO (Retired), Sub Treasury, Chittoor
- 4.Lr.No.K1(1)/675/1997, dt.19-01-2010 from the DTA, AP, Hyderabad
- 5.APPSC.Lr.No.1577/RT-I/1/2010, dt.26-11.2010

On the allegations of misappropriation of Government money under Military pensions by Sri Md. Haneef, Senior Accountant and others, disciplinary proceeding have been initiated against Sri V.Balasubramanyam ,STO (Rtd.) and the following charges were framed against him:

- i) while he was working as STO, Sub Treasury, Chittoor during the period from 9.7.93 to 20.3.97 he failed to exercise proper care and vigilance to verify the alterations made in the amounts payable to the pensioners as noted in the payment schedule Register
- ii) he failed to properly verify and check whether payments shown by the Senior Accountant as due to the pensioners are really due to them in those months
- iii) he failed to properly verify and check whether the payments are claimed in favour of the correct names of Pensioners.
- iv) he failed to verify the incorrect totals noted in the payment schedule and payment register (where the actual total is lesser than the total noted and accounted for).
- v) he failed to verify whether the pension amounts were claimed in respect of those who are actually drawing pensions from the Sub Treasury, Chittoor.
- vi) he failed in his legitimate duties in safe-guarding the office records since the previous check register of Military Pensioners of Sub Treasury, Chittoor is found missing due to which it could not be verified whether there are any more cases of such misappropriation.
- vii) he failed to attest each entry in the pensions payment Register of Military Pensions as required in Art. 91(iii) of A. P.A.C.Vol.II r/w Form T.A.33 of A.P.A.C. Vol. II.
- viii) he failed to make individual pensioner wise entries in respect of Military Pensions while passing the claim and thus violated instructions contained in Art.50-54 A.P.A.C. Vol. II.
- ix) he failed to check totalling in the Military Pension payment Register.

2. Out of the above 9 charges 5 charges i.e. Charge v, vi, vii, viii and ix were held proved and regarding the remaining 4 charges i.e. i, ii, iii and iv there are certain lapses on the part of the Charged Officer even though he is not directly involved in the misappropriation of Government money.

3. Government after following due procedure, the punishment of withholding entire pension & DCRG benefits besides recovery of Rs. 2,07,643/- permanently was awarded in consultation with APVC on Sri V.Balasubramanyam ,STO (Rtd.) vide reference 1st read above.

4. Aggrieved by the said punishment, Sri V. Balasubramanyam, STO (Rtd.) has filed O.A No 2823 before Hon'ble APAT. The Hon'ble APAT by its order dt 17-06-2009 disposed off the OA setting aside the punishment of withholding of entire pension and DCRG benefits besides recovery of an amount of Rs. 2, 07,643/- awarded on the applicant and the matter was remanded back to the Government to review the punishment imposed and pass appropriate punishment against the applicant considering the allegations proved against him and after giving an opportunity to the applicant.

5. Against the said order, as directed by the Government, the DTA has preferred appeal in W.P.No.21312 of 2009 before the Hon'ble High Court. The Hon'ble High Court was pleased to dismiss the W.P.No.21312 of 2009 vide its order dt.5.12.2009 and confirmed the orders of Hon'ble APAT in O.A.No.2833 of 2006 by observing as follows:

“The Tribunal, therefore, was justified in coming to the conclusion, on the totality of the facts and circumstances, that the punishment of withholding of entire pensionary benefits was unjustified and disproportionate. The said punishment, therefore, was rightly set aside by the Tribunal and we do not see any error on the part of the Tribunal, which warrants correction under our Certiorari jurisdiction, particularly as employee retired in January, 1999.

6. After careful examination of the matter, keeping in view the orders of Hon'ble High Court, Government have taken a provisional decision to modify the punishment of withholding the entire pension and DCRG benefits, besides recovery of an amount of Rs.2,07,643/- awarded on the Charged Officer awarded vide G.O. 1st read above, be modified to that of withholding of 10% of his pension for a period of 5 years as the charges held proved on the charged officer were supervisory lapses as observed by the Hon'ble Tribunal and also confirmed by Hon'ble High Court.

7. In the reference 5th read above, the APPSC has given concurrence for the proposed punishment of 10% cut in pension for a period of 5 years along with recovery of misappropriated amount of Rs.2,07,643/- on Sri V. Balasubramayam, Sub Treasury Officer (Retd), O/o Deputy Director, District Treasury, Chittoor .

8. Accordingly, Government hereby modify the earlier punishment of withholding of entire pension and DCRG benefits besides recovery of an amount of Rs.2,07,643/- awarded vide G.O. 1st read above to that of 10% cut in pension for a period of 5 years along with recovery of the misappropriated amount of Rs.2,07,643/- on Sri V. Balasubramayam, Sub Treasury Officer (Retd), O/o Deputy Director, District Treasury, Chittoor.

9. The Director of Treasuries and Accounts, Hyderabad shall take necessary action accordingly and serve this order on the individual and send the served copy with his acknowledgement to the Government, at the earliest.

10. The G.O. is available on Internet and can be accessed at the address <http://www.goir.ap.gov.in>

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

L.V.SUBRAHMANYAM
PRINCIPAL SECRETARY TO GOVERNMENT (FP)

To
The individual (through the DTA, Hyderabad)
Copy to: The DTA, AP, Hyderabad
The AP, Vigilance Commission, Hyderabad
The Accountant General, AP, Hyderabad

//FORWARDED:: BY ORDER//

SECTION OFFICER